

**WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY**

**BOARD OF DIRECTORS MEETING  
AGENDA**

**APRIL 20, 2023**

- I.     ♦ MINUTES
- II.    ♦ TREASURER'S REPORT
- III.   ♦ FINAL APPROVALS
- IV.    OLD BUSINESS
  - A.     ♦ Loan Commitment Extensions
  - B.     ① Loan Commitment Expirations/Rescissions
  - C.     ① Property and Lease Report
  - D.     ① Insurance Reports
  - E.     ① West Virginia Private Activity Bond CAP Allocation Report
- V.     NEW BUSINESS
  - A.     ♦ Amend Spilman Thomas & Battle PLLC Legal Contract
  - B.     ♦ Amend Bowles Rice LLP Legal Contract
  - C.     ♦ Inducement Resolution with respect to financing certain facilities by the West Virginia Economic Development Authority for Commercial Metals Company
  - D.     ♦ Empire South Dock & Wharf Authorizing Resolution – Resolution Authorizing and directing the issuance of not to exceed \$50,000,000 in aggregate principal amount of West Virginia Economic Development Authority Dock and Wharf Facilities Revenue Bonds (Empire South Terminal of West Virginia, LLC Project), Series 2023, to fund certain Dock and Wharf facilities, to fund a debt service reserve fund for the bonds, to fund capitalized interest and to pay costs of issuance related to the bonds, all for the benefit of Empire South Terminal of West Virginia, LLC; authorizing the execution and delivery of the bonds and bond documents relating thereto; authorizing the authority to give notice and conduct a public hearing prior to the issuance of the bonds; authorizing the preparation and distribution of a Preliminary Offering Memorandum or other offering document in connection with the issuance of such bonds; providing parameters for establishing the principal amount, provisions for redemptions, maturities, tender and

purchase, rates of interest and other terms of such bonds; authorizing the Chairman or other authorized officers of the issuer to approve the final terms and pricing of the bonds within such parameters; requesting the Trustee to authenticate the bonds; appointing Bond Counsel, Counsel to the Authority, and Disclosure Counsel; authorizing execution and deliver of other documents; and taking certain action with respect to the proposed issuance of such bonds

- E.     ♦ Inducement Resolution with respect to financing certain facilities by the West Virginia Economic Development Authority for JCO LLC
- F.     ♦ PRG Marshall University Refunding Bond Resolution authorizing the issuance of one or more series of the West Virginia Economic Development Authority University Facilities Revenue Refunding Bonds (Provident Group – Marshall Properties L.L.C. - Marshall University Project) Series 2023 and authorizing the sale thereof; authorizing the execution and delivery of a Trust Indenture, a Loan Agreement, a Bond Purchase Agreement and related documents; authorizing a Preliminary Official Statement and an Official Statement and authorizing and approving related matters in connection therewith
- G.     ♦ Volume CAP Allocation - \$12,000,000 JCO LLC project in Hardy County, West Virginia
- H.     Public Comment Session

VI.     ① INFORMATIONAL REPORT

VII.    EXECUTIVE SESSION

- A.     Funds Availability
- B.     Loan Modifications
  - 1.    Liberty One Methanol LLC
  - 2.    Marion-Taylor Enterprises, LLC
- C.     Delinquency Reports
- D.     Other Matters – Discussion Only
  - 1.    Marketing and Communications, West Virginia Department of Commerce – Andy Malinoski
  - 2.    WVEDA Website Project, West Virginia Department of Commerce – Andy Malinoski
- E.     Personnel Matters

VIII.   ♦ RETURN TO GENERAL SESSION

IX.     OTHER BUSINESS

♦ = Action Required

① = Informational Purposes

X.     ♦ ADJOURN

**Next WVEDA Board Meeting is  
May 18, 2023 at 11:00 AM**